

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WILLIAM FRANCIS, JR.,

Plaintiff,

v.

WARDEN THOMAS CARROLL,
CORRECTIONAL MEDICAL
SERVICES, INC., STAN TAYLOR and
JOYCE TALLEY,

Defendant

C.A. No. 07-015 JJF

NON-ARBITRATION

JURY TRIAL DEMANDED

**DEFENDANT CORRECTIONAL MEDICAL SERVICES, INC.'S RESPONSE
TO PLAINTIFF'S FIRST REQUEST FOR PRODUCTION**

1. Any and all dental records, dental X-Rays, dental exams and results of and for plaintiff from January 1, 2004 through and including the date of your response to this request.

RESPONSE: See copy of Plaintiff's complete medical records, including dental records from January 6, 2004 to date. By way of further response, Defendant objects to the production of X-Rays as this request is unduly burdensome and not reasonably calculated to lead to discovery of relevant evidence. EXHIBIT "A (Index Tabs 2-14)"

2. Any and all policies, procedures, regulations, instructions, notes, memoranda, internal communications, directives, executive orders and preceding and subsequent amendments in effect from January 1, 2004 through and including the date of your response to this request concerning periodontal disease treatment, surgery and consultation — in — patient and out — patient — services at the Delaware Correctional Center in Smyrna, DE.

RESPONSE: Objection. Defendant CMS objects to this request as it is overly broad and unduly burdensome and not reasonably calculated to lead to discovery of relevant evidence. Additionally, to the extent Defendant CMS was not the provider of medical services at Delaware Correctional Center from January 2004 through June 30 no such documents exist. By way of further response and without waiving any objections thereto, see attached copy of the Dental Policy and Procedures adopted by CMS and in effect from July 1, 2005 to date. EXHIBIT "B"

3. Any and all notes, documents, letters, memoranda, files, records, record books, logs; grievance reports, dispositions and/or written communications and civil actions made, prosecuted, settled or filed against Correctional Medical Services regarding dental care services in every city and state in which it operates.

RESPONSE: See copy of Plaintiff's grievances that CMS has received, to date, from the Department of Corrections attached hereto. By way of further response, Defendant CMS objects the remaining portion of this request as it is overly broad and unduly burdensome and not reasonably calculated to lead to discovery of admissible evidence. By way of further response said request seeks information concerning protected and confidential information of other individuals under The Health Insurance Portability and Accountability Act of 1996 (HIPPA). EXHIBIT "A (Index Tabs 1 & 15) & Exhibit "C"

3. Any and all official documents verifying the insurance status of Correctional Medical Services form January 1, 2004 through and including the date of your response to this request.

RESPONSE: Objection. Defendant CMS objects to this request as it is overly broad and unduly burdensome and not reasonably calculated to lead to discovery of

relevant evidence. Additionally, CMS was not the medical provider from January 1, 2004 through June 30, 2005. By way of further response, attached hereto is a copy of the Everest Indemnity Insurance Company Claims-Made Policy #6500000222-061 that was in effect when Plaintiff's complaint was filed on January 9, 2007. EXHIBIT "D"

4. Any and all documents which describe, detail or show the actual amount and percentage of funds spent on dental services for inmates as compared to total annual expenditures over the past five years.

RESPONSE: **Objection. Said request is unduly burdensome and not reasonably calculated to lead to discovery of admissible evidence.**

AS TO OBJECTIONS:

/s/ Eileen M. Ford

Eileen M. Ford (DE Bar ID #2870)
Marks, O'Neill, O'Brien & Courtney, P.C.
913 Market Street, Suite 800
Wilmington, DE 19801
(302) 658-6538
Attorney for Defendant
Correctional Medical Services

DATED: 2/25/08

SEALED DOCUMENT

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CERTIFICATE OF SERVICE

I, **Eileen M. Ford, Esquire**, hereby certify that on **February 25, 2008**, I electronically filed **Defendant Correctional Medical Services, Inc.'s Response to Plaintiff's First Request for Production** with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following: Ophelia M. Waters. I have served via first class mail two copies of **Defendant Correctional Medical Services, Inc.'s Response to Plaintiff's First Request for Production** to the Pro Se Plaintiff:

Inmate William Francis, Jr., *Pro Se*
SBI# 264560
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977
Via First Class US Mail

/s/ Eileen M. Ford
Eileen M. Ford, Esquire (ID No. 2870)
Marks, O'Neill, O'Brien & Courtney, P.C.
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Attorney for Defendant